

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GRETCHEN S. STUART, M.D., et al.,

Plaintiffs,

v.

JANICE E. HUFF, M.D., et al.,

Defendants.

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1:11CV804

PRELIMINARY INJUNCTION

This matter is before the Court on Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction. (Doc. 8.) The Plaintiffs seek to enjoin the Defendants from enforcing various provisions of the "Woman's Right to Know Act" ("the Act"), 2011 N.C. Sess. Laws 405 (to be codified at N.C. Gen. Stat. §§ 90-21.80 through 90-21.92).

The Court has considered the evidence, the briefs, and the arguments of counsel made at a hearing on October 17. Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the Court grants the Motion in part and preliminarily enjoins the Defendants from enforcing one section of the Act, that section being N.C. Gen. Stat. § 90-21.85, pending trial or further order of the Court.

For the reasons more specifically set forth in the Memorandum Opinion and Order issued concomitantly herewith, the Court concludes that N.C. Gen. Stat. § 90-21.85 is likely in violation of the First Amendment to the U.S. Constitution and that the Plaintiffs have otherwise established that they are entitled to a preliminary injunction as to the enforcement of that section. The Plaintiffs have not met Rule 65's standards as to their remaining claims for a preliminary injunction, and the Court will not preliminarily enjoin the enforcement of other provisions of the Act at this time.

IT IS ORDERED that the Plaintiffs' Motion for a Preliminary Injunction (Doc. 8) is **GRANTED IN PART** and **DENIED IN PART**, as more specifically set forth in the Memorandum Opinion and Order issued concomitantly herewith.

IT IS FURTHER ORDERED that pending trial on the merits or further order of this Court, the Defendants and their agents and successors in office are hereby **ENJOINED** and prohibited from:

1. enforcing—by civil action, criminal proceeding, administrative action or proceeding, or any other way—that particular section of 2011 N.C. Sess. Laws 405 entitled “Display of real-time view requirement,” to be codified as N.C. Gen. Stat. § 90-21.85, entitled “Display of real-time view requirement,” in its entirety;
2. penalizing—by civil action, criminal proceeding, administrative action or proceeding, or any other way—anyone for failure to comply with the provisions of N.C. Gen. Stat. § 90-21.85; and
3. applying, imposing, or requiring compliance with, implementing, or carrying out in any way any part of N.C. Gen. Stat. § 90-21.85.

IT IS FURTHER ORDERED that this Preliminary Injunction does not prohibit the enforcement of or affect in any way the remainder of the Woman's Right to Know Act.

This the 25th day of October, 2011.


UNITED STATES DISTRICT JUDGE